

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X
CROWN CLOTHING CORPORATION, : Civil Action No. 05-10049 (NG)
Plaintiff :
v. :
RANDCORE, INC., :
RAND INTERNATIONAL TRADING, :
INC., ANDRE BERNARD, AND :
RONALD BERNARD, :
Defendants :
-----X

MOTION OF COUNSEL FOR LEAVE TO WITHDRAW

Now comes counsel for the defendants Andre Bernard, Rand International Trading, Inc. and Randcore, Inc. and seeks leave, pursuant to local rule 83.5.2(c) for leave to withdraw. In support of this motion, undersigned counsel states the following:

1. As the Court is aware, this case arises from a claim that the defendant corporations, and the individual defendants owed significant sums to the plaintiff for alleged misconduct in their business relationship. While the defendants have denied misconduct, the extent of potential damages, coupled with the cost of the ongoing defense, has led the defendants Andre Bernard, Rand International Trading, Inc. and Randcore, Inc. to conclude that they cannot continue to fund the defense of this case.
2. Accordingly, they requested undersigned counsel to inform plaintiff's counsel that Andre Bernard is prepared to confess judgment as against himself in the full amount of the claimed damages, and that he would be willing, as well, to confess judgment on behalf of the corporate defendants, provided that Ronald Bernard (a

shareholder of both corporations) agreed. Ronald Bernard has that request under consideration.

3. Undersigned counsel provided a letter to plaintiff's counsel, John Wyman, by e-mail on November 15, 2005, advising him of these positions, and indicating that Andre Bernard was not therefore prepared to come to Massachusetts for his deposition.

4. Andre Bernard has stated to the undersigned that he can no longer afford to pay counsel to defend the case.

Accordingly, since the defendants are prepared to confess judgment, and unwilling to pay to defend in any event, there is no need for further representation, and this motion should therefore be allowed.

Respectfully submitted,

/s/ Jeffrey S. Stern
Jeffrey S. Stern, (BBO No. 479460)
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114
(617) 227-3030

DATED: November 23, 2005

CERTIFICATE OF SERVICE

I, Jeffrey S. Stern, hereby certify that on the above date I served the within document by mailing a copy of same, postage prepaid, to the following counsel of record:

John C. Wyman, Esquire
Ryan MacDonald, Esquire
Murtha Cullina LLP
99 High Street
Boston, MA 02110

Gary R. Greenberg, Esquire
Greenberg Traurig
One International Place
Boston, MA 02110

/s/ Jeffrey S. Stern
Jeffrey S. Stern